

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.E.
Mtg. Date March 15, 2016
Dept. Public Works

Item Title: **Approval of Final Map for Tentative Map TM0047 located at 8137 Cascio Court**

Staff Contact: [Tim Gabrielson, Interim City Engineer and Mike James, Public Works Director]

Recommendation:

Adopt a resolution (**Attachment A**) approving the Final Map for Tentative Map TM0047 and authorize the City Clerk to accept the offers of dedication and easements on the Final Map.]

Item Summary:

On August 18, 2009, the Lemon Grove City Council adopted Resolution No. 2892, 2893, and 2894 **Attachment B**) approving Tentative Map TM0047 which authorized a 12-unit condominium and common areas subdivision on 0.73 gross acres of land located at 8137 Cascio Court in Lemon Grove.

WC Group, LLC, the owner of said parcel, has satisfied the conditions of approval for the proposed subdivision and requests approval of the Final Map for TM0047. Performance bonds and subdivision agreements are in place to ensure that conditions of approval are met and the project is completed in the manner approved by City Council.

If adopted, the Resolution (**Attachment A**) will authorize the City Clerk to execute the Final Map and accept the offer of dedication]

Fiscal Impact:

The City will receive \$2,310 for each new residential unit constructed in accordance with the Regional Transportation Congestion Improvement Program (RTCIP).

Environmental Review:

- | | |
|---|---|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section [] | <input checked="" type="checkbox"/> Adopted ND09-03 |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Resolution
- B. City Council Resolution No. 2892, 2893, 2894

RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL OF LEMON GROVE, CALIFORNIA APPROVING A FINAL MAP FOR TENTATIVE MAP TM0047

WHEREAS, On August 18, 2009, the Lemon Grove City Council adopted Resolution No. 2892, 2893, and 2894 approving Tentative Subdivision Map TM0047, as meeting the requirements of the City's Subdivision Ordinance and the California Subdivision Map Act; and

WHEREAS, the Final Map for Tentative Map TM0047 attached hereto as Exhibit 'A' has been submitted and meets the requirements as set forth in the California Government Code section 66433, et. Seq. and is now ready for approval by the City Council; and

WHEREAS, WC Group, LLC, as the owner of the project has paid all fees required by the conditions for processing of the Final Map; and

WHEREAS, the Director of Acting Development Services and the City Engineer have found said Final Map of Tract No. 0047 substantially conforms to the conditionally approved Tentative Map, as required by the California Subdivision Map Act.

WHEREAS, the Mitigated Negative Declaration (ND09-03) was certified by City Council for Tentative Map No. 0047 on August 18, 2009; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby finds:

1. The Final Map is consistent with the General Plan, the California Subdivision Map Act, and is in substantial conformance with the previously approved Tentative Map (TM0047); and
2. The Final Map for Tentative Map No. 0047 is hereby approved, and the City Clerk is authorized and directed to certify this fact on the face of the Final Map; and
3. All offers the dedication of real property to the City identified on the Final Map are accepted by the City of Lemon Grove; and
4. Authorizes the City Clerk to record a certified copy of this resolution.

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Sniper-Type associates
civil engineers and land surveyors
10000 Highway 100, Suite 200, Dallas, TX 75243
TELEPHONE (415) 697-8424 FAX (512) 460-2023

MAP NO.

SHEET 2 OF 4 SHEETS

NOTARY CERTIFICATE

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE
HEREBY CERTIFIES THAT THE INSTRUMENT IS A TRUE AND
CORRECT COPY OF THE INSTRUMENT AS IT WAS PRESENTED TO HIM/HER
AND THAT HE/SHE HAS NO KNOWLEDGE OF ANY FACTS OR CIRCUMSTANCES
WHICH WOULD RENDER THE INSTRUMENT INVALID OR VOID.

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

ON _____, 20____, BEFORE ME,
A NOTARY PUBLIC, PERSONALLY APPEARED _____,
WHO PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO
BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE
INSTRUMENT, AND WHOSE SIGNATURE(S) I HAVE PERSONALLY
EXAMINED AND WHOSE SIGNATURE(S) I HAVE PERSONALLY
EXAMINED THE SAME IN HIS/HER/IT IS AUTHORIZED
CAPACITY(IES), AND THAT BY HIS SIGNATURE(S) ON THE
INSTRUMENT HE/SHE HAS PERSONALLY AND SOLELY
WITNESSED THE PERSON(S) ACTED, EXECUTED THIS INSTRUMENT,
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE
AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

PRINT NAME _____

MY PRINCIPAL PLACE OF BUSINESS IS IN SAN DIEGO COUNTY.

MY COMMISSION EXPIRES _____, 20____.

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE
HEREBY CERTIFIES THAT THE INSTRUMENT IS A TRUE AND
CORRECT COPY OF THE INSTRUMENT AS IT WAS PRESENTED TO HIM/HER
AND THAT HE/SHE HAS NO KNOWLEDGE OF ANY FACTS OR CIRCUMSTANCES
WHICH WOULD RENDER THE INSTRUMENT INVALID OR VOID.

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

ON _____, 20____, BEFORE ME,
A NOTARY PUBLIC, PERSONALLY APPEARED _____,
WHO PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO
BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE
INSTRUMENT, AND WHOSE SIGNATURE(S) I HAVE PERSONALLY
EXAMINED AND WHOSE SIGNATURE(S) I HAVE PERSONALLY
EXAMINED THE SAME IN HIS/HER/IT IS AUTHORIZED
CAPACITY(IES), AND THAT BY HIS SIGNATURE(S) ON THE
INSTRUMENT HE/SHE HAS PERSONALLY AND SOLELY
WITNESSED THE PERSON(S) ACTED, EXECUTED THIS INSTRUMENT,
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE
AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

PRINT NAME _____

MY PRINCIPAL PLACE OF BUSINESS IS IN SAN DIEGO COUNTY.

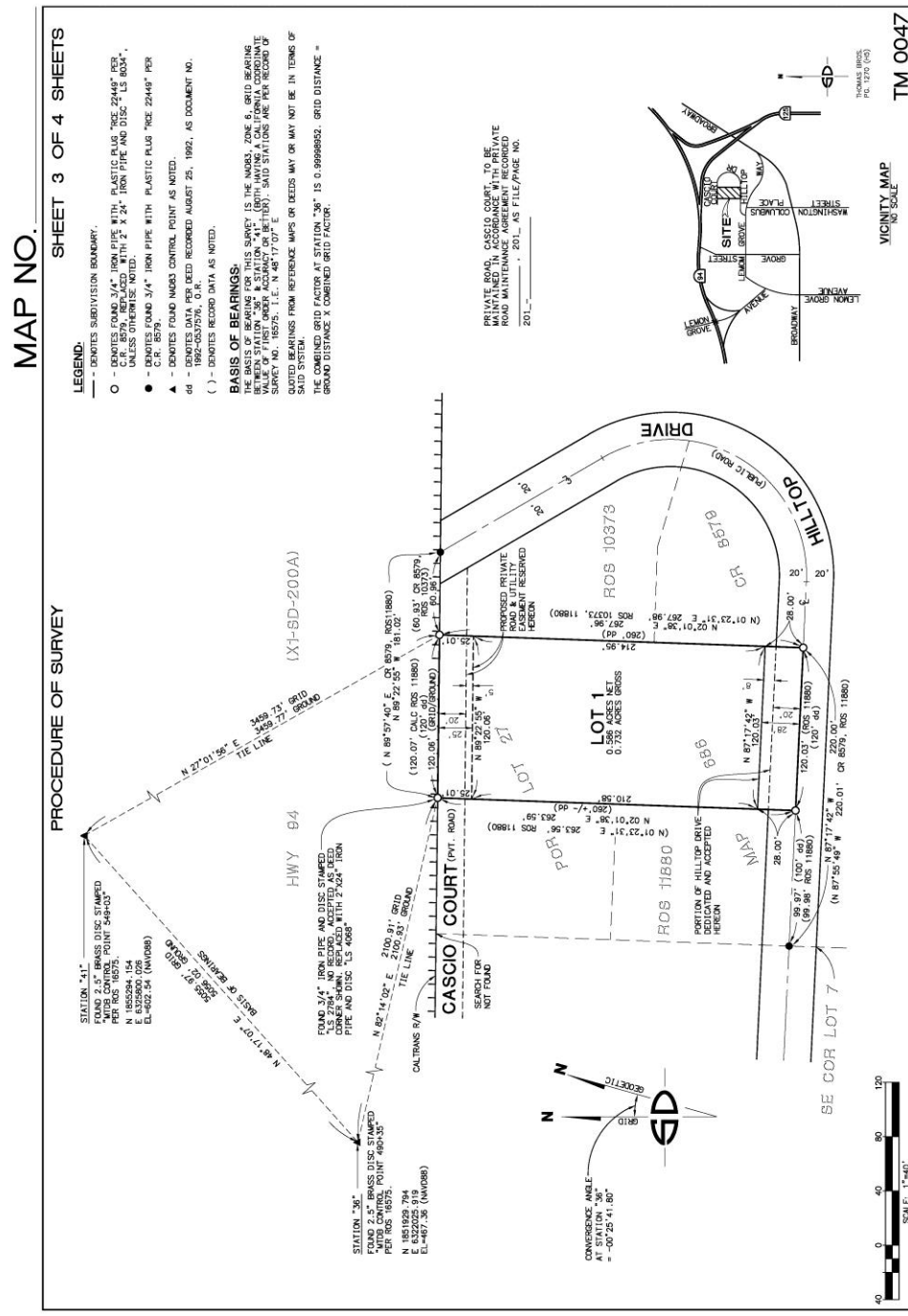
MY COMMISSION EXPIRES _____, 20____.

NOTES:

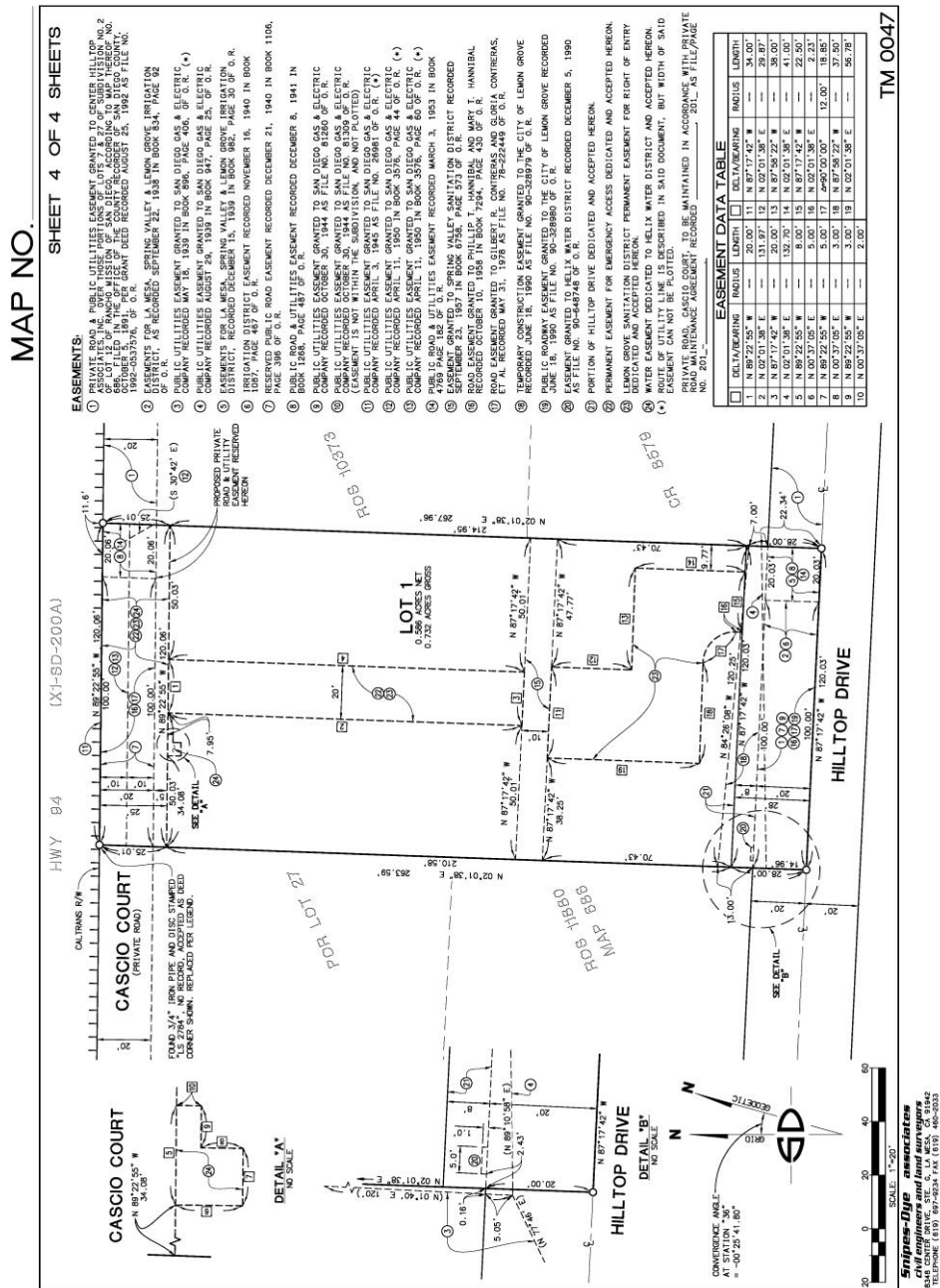
1. THE SUBDIVISION SHALL BE CONNECTED TO A SEWER OF THE LEMON GROVE
SANITATION DISTRICT.
2. DOMESTIC WATER SUPPLIED FOR THIS PROJECT SHALL COME FROM HELIX WATER
DISTRIBUTION SYSTEM.
3. SCHOOL FEES SHALL BE PAID TO THE LEMON GROVE SCHOOL DISTRICT AND THE
GROSSMONT UNION HIGH SCHOOL DISTRICT PRIOR TO ISSUANCE OF A BUILDING
PERMIT.
4. PARKLAND FEES SHALL BE PAID TO THE COMMUNITY DEVELOPMENT DEPARTMENT,
PRIOR TO FINAL INSPECTION OF ANY FUTURE DWELLING UNIT(S) BY THE CITY
OF LEMON GROVE.
5. SEWER CONNECTION FEES SHALL BE PAID PER DWELLING UNIT TO THE CITY OF
LEMON GROVE SANITATION DISTRICT PRIOR TO ISSUANCE OF BUILDING PERMITS.
6. ALL UTILITY DISTRIBUTION FACILITIES SHALL BE PLACED UNDERGROUND.

Snipes-Dye Associates
civil engineers and land surveyors
10000 SAN DIEGO AVENUE, SUITE 200
SAN DIEGO, CALIFORNIA 92121
TELEPHONE: (619) 497-7224 FAX: (619) 499-9033

TM 0047



Attachment A – Exhibit 1



RESOLUTION NO. 2892

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING VARIANCE REQUEST VA06-002 TO ALLOW A REDUCTION FROM ONE OF THE TWO FRONT YARD SETBACKS AND A REDUCTION OF THE OPEN SPACE REQUIREMENTS FOR A 12-UNIT CONDOMINIUM DEVELOPMENT LOCATED AT 8137 CASCIO COURT

WHEREAS, Mr. Kevin Leon, on behalf of Center Hilltop Associates, filed a complete application for a variance request on June 1, 2009, to reduce one of two front yard setbacks and to reduce open space requirements outlined in Section 17.24.070 of the Municipal Code on 0.73 gross acres of land located at 8137 Cascio Court; and,

WHEREAS, a Mitigated Negative Declaration of Environmental Impact (ND09-03) will be filed subsequent to its adoption and the approval of the proposed project; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on July 27, 2009; and

WHEREAS, the Planning Commission also considered Planned Development Permit (PDP04-002) and Tentative Map (condominium) (TM0047) associated with this Variance VA06-001; and

WHEREAS, the Planning Commission found that the proposed Variance request (VA06-002) complies with the findings of fact required to approve this project pursuant to Development Code Section 17.28.0 60(B) and recommends approval to the City Council; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on August 18, 2009; and

WHEREAS, the City Council is also considering Planned Development Permit (PDP04-002) and Tentative Map (condominium) (TM0047) associated with this Variance VA06-001; and

WHEREAS, the Council determined that the following findings of fact as required by Section 17.28.060(B) of the Lemon Grove Municipal Code could be made as follows:

- 1) There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography or location, that do not apply generally to other property or class of uses in the vicinity and under identical zone classification, so that a denial of the application would result in undue property loss; and

The subject property is a vacant property near SR94 and categorized as a through lot having two street frontages which require two 25-foot front yard setbacks. The northern property line is bounded by a private street easement and the southern property line is bounded by public roadway. Front yard setbacks are measured from the public street right-of-way and the access easement line into the property. Dedication and street improvements are required on both streets further reducing the area available for development. The site is bisected by a 10-foot sewer easement which prohibits any structures and restricts landscape plantings and features. The site contains a significant slope consisting

Attachment B

of a 40-foot vertical difference from the north side of the property to the south side. The applicant is requesting a reduction of the front yard setback from Cascio Court, the private street. The additional dedication for road easement purposes is irregular and varies from 5-feet to 10-feet in order to accommodate accessible sidewalk area behind the private driveway entrance. The proposed front yard setback on Cascio Court varies from 10-feet to 5-feet. The site warrants a reduction of this street setback in order to accommodate other design features accommodating vehicle access (both non-emergency and emergency), pedestrian sidewalk standards, and to accommodate the proposed density of the project.

The applicant is requesting a reduction of the open space requirement from 6,000sq. ft. to 4,100 sq. ft because of the existing constraints on the site and to accommodate a density compatible to the General Plan Purpose and Goals and the Municipal Code requirements. The slope of the site, final grading and the water quality requirements precludes a large area of open area from being considered as open space. The applicant has provided private balconies, open on-grade patio areas and a rooftop activity deck (carport). The site is also within 600-feet of Kunkel Park. The site and density goals warrant a reduction of the open space requirements.

- 2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone, but which is denied to the property in question; and

Other properties in the same vicinity and zone enjoy similar reductions of setbacks along the private and public roads in the vicinity and appear to contain very little if any open space consistent with the current Municipal Code open space standards. This condition provides support for the required finding of fact that this variance is necessary for the preservation and enjoyment of a substantial property right possessed by the owners of other property in the same vicinity and zone.

- 3) The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property of improvements in the same vicinity and zone in which the property is located;

This variance request will not be detrimental to the public interest, safety, health or welfare or injurious to the property or improvements to the vicinity and zone in which the property is located because the construction will be required to meet structural design standards and will improve vehicular emergency and non-emergency access.

- 4) The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Title, nor to the goals and programs of the General Plan.

The variance request is not inconsistent with the General Plan because the proposed design meets the minimum density required and achieves the highest density possible given the constraints on the site, general plan implementation programs relating to multifamily development, and

Attachment B

the municipal code standards consistent with the policies of the Lemon Grove General Plan.

NOW, THEREFORE, BE IT RESOLVED that the facts set forth in the recitals of this Resolution are found and declared to be true, and therefore the City Council approves Variance (VA06-001) consistent with the plans dated June 1, 2009 and incorporated herein by reference as Exhibit A except as noted herein, to authorize the proposed 12-unit condominium residential development on approximately 0.73 gross acres of land located at 8137 Cascio Court, Lemon Grove, California. The approval of this variance shall be subject to the following conditions:

- A. Prior to construction of the project:
 - 1) Obtain approval of Planned Development Permit (PDP04-002).
 - 2) Obtain all improvement permits and building permits associated with constructing PDP04-002.
 - 3) The plans submitted for permits shall show compliance with all appropriate Building and Municipal Codes.
 - 4) The plans submitted for permits shall show substantial compliance to Exhibit A of the approved Variance request.
- B. Obtain certification from the Community Development Director prior to occupancy that the following has been completed:
 - 1) All physical elements of the proposed project shown on the approved Variance plans dated June 1, 2009 except as noted herein has been constructed in conformance to the plans and in accordance with appropriate Lemon Grove Municipal Code provisions.
- C. This Variance request shall expire two years from the effective date to be determined upon City Council approval (or such longer period as may be approved by the Planning Commission or the City Council of the City of Lemon Grove prior to said expiration date) unless construction or use in reliance on this planned development permit has commenced prior to said expiration date.

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Attachment B

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on August 18, 2009 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary England	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Gastil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>


MARY TERESA SESSOM, Mayor

Attest:


SUSAN GARCIA, City Clerk

CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby certify the foregoing to be a true and exact copy of Resolution No. 2892 duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

SUSAN GARCIA, City Clerk

RESOLUTION NO. 2893

RESOLUTION OF THE CITY COUNCIL APPROVING PLANNED DEVELOPMENT PERMIT (PDP04-002) TO AUTHORIZE THE CONSTRUCTION OF A 12-UNIT CONDOMINIUM DEVELOPMENT LOCATED AT 8137 CASCIO COURT

WHEREAS, Mr. Kevin Leon, on behalf of Center Hilltop Associates, filed a complete application for a Planned Development Permit on June 1, 2009, to authorize a 12-unit condominium and common area subdivision on 0.73 gross acres of land located at 8137 Cascio Court; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact (ND09-03) will be filed subsequent to its adoption and the approval of the proposed project; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on July 27, 2009; and

WHEREAS, the Planning Commission also considered Variance VA06-001 and Tentative Map (condominium) (TM0047) associated with this Planned Development Permit (PDP04-002); and

WHEREAS, the Planning Commission found that the proposed Planned Development Permit (PDP04-002) complies with the findings of fact required to approve this project pursuant to Lemon Grove Municipal Code Section 17.28.030(D) and recommends approval to the City Council; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on August 18, 2009; and

WHEREAS, the City Council is also considering Variance VA06-001 and Tentative Map (condominium) (TM0047) associated with this Planned Development Permit (PDP04-002); and

WHEREAS, the City Council has determined that the following findings of fact, as required by Section 17.28.030(D) of the Lemon Grove Municipal Code, can be made as follows:

1. In order to approve this Planned Development Permit this Council must find that the development proposed in the plans and drawings which accompany the application will be consistent with the objective of this Section.
 - a) This Council finds that the design of this project is consistent with the objectives of the Planned Development Permit section of the City of Lemon Grove Municipal Code because the design of the development utilizes modern site design techniques and conditions have been included in the approval of this project to make it consistent with the requirements of the Lemon Grove Municipal Code and to create a project which is harmonious with the existing and potential development in the vicinity.
2. In order to approve this Planned Development Permit, the Council must find that the proposed location of this Planned Development is consistent with the purposes of the Zoning District in which the subject property is located:

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- a) This Council finds that the proposed project complies with the approved Variance, or conditions have been included which require it to comply with the requirements of the Lemon Grove Municipal Code for a residential development of this type.
3. In order to approve this Planned Development Permit, the Council must find that the proposed development will comply with each of the applicable provisions of the Zoning Ordinance including off-street parking, landscaping/screening and open space.
 - a) This Council finds that the proposed project complies with the approved variance, or conditions have been included for this project to require it comply with the Lemon Grove Municipal Code requirements relating to off-street parking, screening and landscaping. The open space requirements have been reduced pursuant to VA06-001.
4. In order to approve this Planned Development Permit the Council must find that existing street and systems for water, drainage and sewer which are intended to serve the proposed development are adequate or will be made adequate to accommodate the additional burdens imposed by the proposed project.
 - a) This Council finds that this project will provide adequate systems for water, drainage and sewer to serve the proposed development and does not impose unacceptable burdens on the existing systems.
5. In order to approve this Planned Development Permit the Council must find that the combination of dwelling types, lot size, and uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity; the planned open space, parking and recreation facilities are consistent with the anticipated population of the development.
 - a) This Council finds that the design of the proposed project, as conditioned, will be harmonious with the surrounding land uses and open space is adequate for the anticipated population of the development.
6. In order to approve this Planned Development Permit, the Council must find that the development will produce an environment of sustained desirability and stability, harmonious with the character of the surrounding area and consistent with the objectives of the Lemon Grove General Plan and other applicable plans or policies adopted by the City Council.
 - a) This Council finds that the proposed development, as conditioned, will harmonize with the land uses in the area of the subject property and is consistent with the applicable objectives of the Lemon Grove General Plan.
7. In order to approve this Planned Development Permit, the Council must find that the proposed development is sensitive to the site's topography, minimizes grading and avoids disruption to hillsides.
 - a) This Council finds that the project site has been previously disturbed and that the proposed grading for the site provides for appropriate access and building area and the maximum amount of open space possible, and impacts to the existing topography on adjacent properties and road systems is minimized.

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8. In order to approve this Planned Development Permit the Council must find that the proposed use will not become detrimental to the public interest, health, safety, convenience or general welfare.

- a) This Council finds that the design of the proposed project complies, or will be made to comply, with all of the applicable requirements of the City Zoning Ordinance relating to public safety and no such detriment should occur.

NOW, THEREFORE, BE IT RESOLVED that the facts set forth in the recitals of this Resolution are found and declared to be true, and therefore the City Council of the City of Lemon Grove approves Planned Development Permit PDP04-002 consistent with the plans, dated received June 1, 2009 and incorporated herein by reference as Exhibit A except as noted herein, to authorize the proposed development of a 12-unit condominium development consisting of four, two-story buildings, including landscaping, screening, and off-street parking on approximately 0.73 gross acres of vacant land located at 8137 Cascio Court., Lemon Grove California. The approval of this project shall be subject to the following conditions:

- A. Prior to the issuance of the building permit for the facility authorized by this Planned Development Permit the applicant shall:
- 1) Obtain City Council approval of Variance VA06-001.
 - 2) Submit construction plans that show all physical elements of the proposed project consistent with Exhibit A dated June 1, 2009 except as noted herein.
 - 3) The construction plans shall show compliance with the applicable provisions of the 2007 California Building Code (which adopts the 2006 International Building Code, Uniform Plumbing Code, 2006 Uniform Mechanical Code, 2006 National Electrical Code, Fire Code and Title 24 Energy requirements).
 - 4) The construction plans shall show all garage doors equipped with an automatic roll-up garage door and remote control. This requirement shall also be included in the Conditions, Covenants and Restrictions (CC&Rs).
 - 5) Submit for Community Development Director approval, a detailed landscape and irrigation plan for the entire project. Provide reference sheets for the grading and landscape erosion control plans (label these sheets "Reference Only"). Said landscape plan shall comply with the requirements of Section 17.24.050(B) of the Lemon Grove Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan. The landscape plan shall be incorporated into the CC&Rs and landscaping and irrigation shall be maintained by the Homeowners' Association (HOA). The plans shall show:
 - a. Plantings are drought tolerant materials with water conserving irrigation.
 - b. Construction details, materials and finishes for the trash and recycle enclosure. A 10' x 30' concrete apron shall be located in front of this enclosure.
 - c. Surface improvements including but not limited to the design and

Attachment B

locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments.

- d. Landscape materials within the sewer easement shall be to the satisfaction of the City Engineer.
 - e. Show all safety railings and construction details for retaining walls.
- 6) The building plans for the proposed condominium units shall include one copy of the sample exterior building materials and colors to the satisfaction of the Community Development Director.
 - 7) The project plans shall show balconies as illustrated on Exhibit A with the exemption of north facing balconies on the northern most buildings.
 - 8) Prior to the issuance of the building permits for the proposed dwelling units, the applicant shall submit an acoustical analysis of the proposed building plans that shows compliance with the interior noise level requirements of California Building Code Title 24.
 - 9) Submit plans to show each dwelling unit and the carport in the development include the required automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
 - 10) Obtain sewer permits and pay capacity fees for 12 units.
 - 11) A fire hydrant shall be installed to the satisfaction of the Fire Marshal. A note shall be placed on the construction plans stating that the hydrant shall be installed and in service prior to construction with combustible materials. A final inspection by the Fire Department shall be required to confirm compliance with this requirement.
- B. Prior to obtaining occupancy and/or final inspection for the facility authorized by this Planned Development Permit the applicant shall comply with the following:
- 12) Request final inspection approval from appropriate City Departments. The payment of the Parkland Dedication fee shall be paid for each dwelling unit prior to requesting a final inspection.
 - 13) All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 - 14) Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
 - 15) The private driveway is to be designated as a Fire Lane. Fire lanes (20 feet clear with no parking) and fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department along the private vehicular driveway within the project. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the curb shall be painted red to the satisfaction of the Fire Department. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.

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- 16) All access roadways and driveways shall maintain a minimum vertical clearance of 13'-6" to the satisfaction of the Fire Marshal.
 - 17) Install a standard street sign for Cascio Court to the satisfaction of the City Engineer.
 - 18) Install property identification signs on-site near both entry drives that prohibit the unauthorized use of the private parking and driveway areas to the satisfaction of the Community Development Director.
- C. Upon certification by the Community Development Director for occupancy or establishment of use allowed by the Planned Development Permit of this project, the following shall apply:
- 1) Comply with all of the Conditions of Section A of this resolution and the requirements of TM0047, as applicable.
 - 2) All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system.
 - 3) The proposed facility shall fully comply with the requirements of the Fire Code to the satisfaction of the Fire Chief.
 - 4) The project shall maintain water quality requirements as outlined in the Water Quality Documents.
 - 5) The project shall comply with all applicable provisions of the California Building Code.
 - 6) The use of barbed wire or razor ribbon on any fences, gates or walls is prohibited.
 - 7) All screening fences, walls and landscaping on the subject property shall be maintained in good condition at all times.
 - 8) All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 - 9) All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
 - 10) All dumpsters, recycling and refuse containers shall be maintained at all times.
 - 11) No parking is permitted within the private drive aisle (driveway) or designated fire lane area at any time.
 - 12) All structures on the subject property shall comply with all of the appropriate requirements of the Uniform Building Code, Mechanical Code, National Electric Code and Fire Code to the satisfaction of the City of Lemon Grove Building Official and Fire Chief.
 - 13) All aspects of the project shown on the approved plans dated June 1, 2009 shall be maintained in substantially the same condition as indicated

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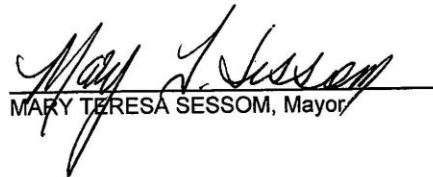
and shall be constructed in accordance with all appropriate City of Lemon Grove Municipal Codes and Ordinances.

- 14) Rooftop mechanical equipment, including but not limited to heating, air conditioning and ventilating equipment, shall be screened so that it may not be seen from the level of adjacent streets and sidewalks.
 - 15) The terms and conditions of this Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
- D. This Planned Development Permit expires two years from the effective date (or such longer period as may be approved by the Planning Commission or the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of this Planned Development Permit have been met prior to said expiration date.

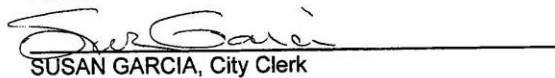
Attachment B

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on
August 18, 2009 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary England	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Gastil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>


MARY TERESA SESSOM, Mayor

Attest:


SUSAN GARCIA, City Clerk

CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby
certify the foregoing to be a true and exact copy of Resolution No. 2893 duly passed and
adopted by the City Council of said City on the date and by the vote therein recited.

SUSAN GARCIA, City Clerk

Attachment B

RESOLUTION NO. 2894

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING TENTATIVE MAP (CONDOMINIUM TM0047) TO SUBDIVIDE A 0.73 ACRE PARCEL INTO 12 CONDOMINIUM LOTS AND COMMON AREA LOCATED AT 8137 CASCIO COURT

WHEREAS, Mr. Kevin Leon, on behalf of Center Hilltop Associates, filed a complete application for a Tentative Map request on June 1, 2009, to authorize a 12-unit condominium and common area subdivision on 0.73 gross acres of land located at 8137 Cascio Court; and,

WHEREAS, a Mitigated Negative Declaration of Environmental Impact (ND09-03) will be filed subsequent to its adoption and the approval of the proposed project; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on July 27, 2009; and

WHEREAS, the Planning Commission considered Planned Development Permit (PDP04-002) and Variance VA06-001 associated with this Tentative Map (condominium) (TM0047); and

WHEREAS, the Planning Commission found that the proposed Tentative Map complies with the findings of fact required to approve this project pursuant to Development Code Section 16.16.400 and recommends approval to the City Council; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on August 18, 2009; and

WHEREAS, the City Council is also considering Planned Development Permit (PDP04-002) and Variance VA06-001 associated with this Tentative Map (condominium) (TM0047); and

WHEREAS, the City Council has considered said Tentative Map and recommendations of the Planning Commission, Community Development Department, City Engineer, and the Lemon Grove Fire Department with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, standards, and improvement and design standards of the City of Lemon Grove; and

WHEREAS, in accordance with Section 16.12.280 of the Lemon Grove Municipal Code, the City Council finds that it is impractical in this particular case for this condominium subdivision to conform fully to the requirements of the Subdivision Ordinance. However, waivers granted as part of the approval of this project are found to conform to the purpose of the Subdivision Map Act and of the Subdivision Ordinance of the Lemon Grove Municipal Code; and

WHEREAS, the City Council has reviewed the design of the proposed subdivision and recommends the following waivers and incentives required pursuant to California Government Code Section 65915 of certain requirements of the City Subdivision Ordinance in order to accommodate the proposed condominium map pursuant to Municipal Code Section 16.12.280:

1. A waiver of Section 17.16.040D1 (Minimum Lot Area) and Section 16.12.220B (Design Standards) to allow the proposed condominium lots to have less than 6,000 square feet or 1,500 square feet per dwelling unit of minimum lot area; and
2. A waiver of Section 17.16.040D3 (Minimum Lot Width and Depth) and 16.12.220D (Design Standards) to allow the proposed condominium lots to have less than the 60 foot minimum width and 90 foot minimum lot depth; and
3. A waiver of Section 17.16.040D4 (Minimum Yards) to allow the proposed condominium lots to have reduced minimum yards as specified in the Development Code to allow reduced yards between the separately owned parcels; and

WHEREAS, the City Council finds that the Tentative Map complies with the findings of fact required to approve this project pursuant to Lemon Grove Municipal Code Section 16.16.400 as follows:

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is located in an urban infill area and the development will not cause any environmental damage; and
2. The proposed Tentative Map (TM0047) is consistent with the Residential Medium/High density (up to 29 dwelling units per net acre) land use designation of the Lemon Grove General Plan; and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems; and
5. The design of the subdivision or type of improvements does not conflict with easements acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under California Government Code Section 66474; and
6. The design and improvements of the proposed subdivision map comply with the requirements of the State Subdivision Map Act and the City of Lemon Grove Subdivision Ordinance except as specifically waived by the Planning Commission and the City Council; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove.

SECTION 1. Certifies the Mitigated Negative Declaration (ND09-03) that TM0047 would have no significant effect on the environment as mitigated; and

SECTION 2. Grants waivers of certain requirements of the City Subdivision Ordinance as enumerated in this resolution in order to accommodate this condominium subdivision; and

SECTION 3. Approves Tentative Map TM0047 consistent with plans received June 1, 2009 and incorporated herein by reference as Exhibit A, except as noted herein, subject to the following conditions which shall be complied with before a final map thereof is approved by the City Council and filed with the County Recorder of San Diego County.

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A. PRIOR TO ISSUANCE OF ANY GRADING OR IMPROVEMENT PERMIT, THE SUBDIVIDER SHALL:

- 1) Obtain approval of Variance (VA06-001) and Planned Development Permit (PDP04-002).
- 2) Submit a private grading plan (showing existing and proposed on-site improvements including, but not limited to, paving, grading, utilities, retaining walls, and drainage features). The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading.
- 3) Submit a preliminary soils engineering report for the Engineering Department's review prior to issuance of grading and improvement permits. The report shall address, at a minimum, items as stated in Lemon Grove Municipal Code Section 18.08.120. In addition to verifying the tentative map soil stability survey report, the preliminary soils report shall address the adequacy of the building pads, the maximum allowable soil bearing pressure and the recommended minimum pavement structural sections for the proposed streets, the parking areas, and the driveways.
- 4) Submit a public improvement plan showing the proposed and existing improvements within the public right of way. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. The improvement plan submittal must include a sight distance calculation, prepared and signed by a Registered Civil Engineer, verifying that the proposed design provides adequate stopping sight distance for vehicles traveling on Hilltop Drive past the proposed retaining wall at the entry driveway, and for adequate decision sight distance for vehicles entering and exiting the site. Along Cascio Court, drainage patterns indicate flow along the curbline, thus a full curb and gutter section (per SDRSD G-2) will be required as opposed to the G-1 curb section. This revision from the tentative map design shall be shown on the engineered improvement plans.
- 5) The private road to the proposed project (Cascio Court) and the driveway must be a minimum of 20 feet wide, paved with an all weather surface and must be able to support the imposed load of a fire apparatus at 75,000 lbs. Fire lane markings will be required to the satisfaction of the Fire Department. These roads must be designated as "Emergency Access Easements" on the Final Map.
- 6) Obtain a Right-of-way Permit from the Engineering Department for all improvement work within the public right-of-way; obtain a grading permit for the proposed grading construction on private property.
- 7) Install gas, electric, sewer, water lines, and any other below surface utilities before installing any concrete curb, gutters, sidewalks, and street surfacing.

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- 8) The project must maintain water quality requirements as outlined in the Water Quality Documents.
 - 9) Provide letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created. No letter will be required from the telephone company.
 - 10) Install new utility distribution facilities underground, including cable television lines, within the boundaries of any new subdivision or within any half street abutting a new subdivision. Coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City Engineer. All proposed structures on the subject property shall connect to the utility systems via underground systems.
 - 11) Execute a covenant agreeing not to oppose the formation of future utility undergrounding districts that may affect this property.
 - 12) Construct, at developer's cost, a street lighting system conforming to City standards.
 - 13) Prepare construction plans and construct drainage facilities in accordance with the Drainage and Hydrology Study prepared for the project and to the satisfaction of the City Engineer.
 - 14) Ensure that on-site drainage is in compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
 - 15) Submit plans showing the size, type, and location of the required fire hydrant, minimum water supply pipe size, minimum turn radii and road width and all other requirements of the Fire Department. A final inspection by the Fire Department shall be required to confirm compliance with this requirement.
 - 16) The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
 - 17) Grant to the appropriate agency by recorded documents all required easements, specifically all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none is required.
- B. PRIOR TO THE RECORDATION OF THE FINAL MAP, THE SUBDIVIDER SHALL:
- 17) Submit a private Street Maintenance Agreement for the future repair and rehabilitation of the Cascio Court within the limits of ownership prior to recordation of the final map. The City will provide the template for the agreement.
 - 18) Submit a final soils engineering report for the Engineering Department's review following grading activities but prior to final inspection for grading permits. The report shall address, at a minimum, items as stated in Lemon Grove Municipal Code Section 18.08.800.

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- 19) Submit a pad certification and compaction report to the City for review and approval prior to applicant request for final inspection on the grading permit.
- 20) Dedicate street right-of-way to the City as shown on the tentative map. Specifically, dedicate sufficient right-of-way to complete a 28' half-width for Hilltop Drive. The City will prepare a "Grant Deed – Right-of-Way Dedication" Agreement for signature prior to recordation of the final map.
- 21) Submit a secured agreement to construct the public improvements prior to either recordation of the final map or building permitting. A cost estimate for work proposed within the public right of way shall be submitted with the plans. Subsequent to approval of the cost estimate, the City will prepare the improvement agreement for signature by the owner. A security equal to the approved cost estimates shall be posted with the public improvement agreement.
- 22) A portion of the proposed retaining wall is within the dedicated public right-of-way along Hilltop Drive. Prior to recordation of the final map, the owner will be required to submit an Encroachment Maintenance and Removal Agreement for this wall.
- 23) In order to provide permanent access for sanitation maintenance vehicles, a permanent easement for right of entry must be granted to the Lemon Grove Sanitation District for both the upper and lower parking lot areas. This right of entry easement must be shown on the final map.
- 24) The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Community Development Director.
- 25) Submit a title report for the property no more than 60 days in advance of the recordation of the Final Condominium Map to the City Engineer for review. The final map shall identify any easements indicated within the Title Report.
- 26) Create a HOA to manage the Covenants, Conditions and Restrictions (CC&Rs). Said CC&Rs shall be submitted to the City for review prior to State of California (Department of Real Estate) final approval and shall be written to the satisfaction of the Community Development Director and the City Engineer. The CC&Rs shall include the requirements of the SUSMP approved for this project to the satisfaction of the Water Quality Program Coordinator, City Engineer and Community Development Director and all other HOA requirements and shall be recorded concurrent with the final map and shall include but not limited to:
 - a. Best Management Practices (BMPs) and a Private Driveway and Drainage Maintenance Agreement. The maintenance and the preservation of the drainage facilities shall be included in the CC&Rs. The developer, current and future property owners shall adhere to the recommendations of the Water Quality Documents and CC&Rs approved for this project.
 - b. The HOA shall provide on-going maintenance of landscaping and irrigation of planting areas, parkways, and open space areas. The

CC&Rs shall show private on-grade open space areas (near individual units) and designate unit responsibilities for maintenance.

- c. Immediate removal of graffiti is required.
 - d. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
 - f. All landscaping and other exterior site improvements on-site shall be well maintained at all times in substantially the same condition as approved in accordance with the approved site and landscape plans.
 - g. Requirements to maintain the drainage facilities and any access easements (where they occur) on the property.
 - h. Identify and implement the BMPs identified in the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared for this project and state that the developer, current and future property owners shall comply with the recommendations of the SUSMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer.
 - i. Funding of the long term maintenance of all facilities required by the Water Quality documents shall be included in the annual HOA budget.
 - j. A long-term operation and maintenance program (OMP) will be a requirement and the responsibility of the HOA to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
 - k. Routine maintenance of all mechanical ventilation, heating and cooling equipment is required to ensure adequate air quality is achieved because of the proximity to SR94.
- 27) The CC&Rs shall clearly establish the responsibilities of the homeowners with regard to the continuing maintenance and preservation of the buildings, driveways, private street and drainage facilities (where they occur), slopes, landscaping and irrigation. Said CC&Rs shall specifically limit the number of dwelling units to 12 units to be built on the site, shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall prohibit amendments to the CC& Rs without express written consent of the City.
- 28) The developer shall execute an agreement imposing restrictions on real property with the Lemon Grove Community Development Agency, in which the Owner agrees to reserve one (1) condominium (hereinafter called the "affordable units") in the Project exclusively for sale to and/or occupancy by moderate income households whose annual income does not exceed the established California moderate income for the year of building permit issuance. The affordable unit shall be maintained for 45 years for an owner-occupied dwelling unit and 55 years for a rental unit. These covenants or restrictions shall be recorded in the office of the county recorder for the unit of real property subject to this subdivision in a form acceptable to the City Attorney. Notwithstanding any other provision of law, these covenants or restrictions shall run with the land and shall be

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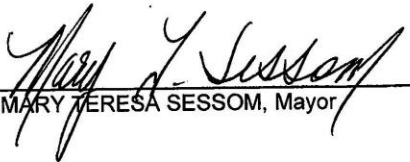
enforceable, against the original owner and successors in interest, by the agency or the community. This condition may be modified as required by the Lemon Grove Community Development Agency and the Community Development Department prior to the recordation of the final map

- 29) The subdivider shall provide the City Engineer with two reproducible Mylar copies of the final map for recordation.
- C. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other person, firms and corporations concerned with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:
 - 30) All domestic water supplied for this subdivision shall come from the Helix Water District.
 - 31) All buildings constructed in this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District.
 - 32) Future construction on the site shall comply with applicable provisions of the 2007 California Building Code (which adopts the 2006 International Building Code, 2006 Uniform Mechanical Code, Uniform Plumbing Code, 2006 National Electrical Code & title 24 Energy Requirements).
 - 33) Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
 - 34) Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the National Pollutant Discharge Elimination System (NPDES) permit to the satisfaction of the City Engineer.
- D. This approval of this tentative map will expire two years from the date of approval. The final map or maps conforming to this conditionally approved tentative map shall be filed with the City Council in time so that said Council may approve the map before this approval expires unless prior to that date the Planning Commission or City Council subsequently grants a one-year time extension for obtaining such approval of said final map or maps as provided by the City Subdivision Ordinance.
- E. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project, City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully. If the City fails to promptly notify the applicant/subdivider of any such claim, action, or proceeding, or fails to cooperate fully in the defense, the applicant/subdivider shall not thereafter be responsible to indemnify, defend, protect or hold harmless the City, any agency or instrumentality thereof, or any of its officers, employees, or agents.

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PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on
August 18, 2009 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary England	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Gastil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>


MARY TERESA SESSOM, Mayor

Attest:


SUSAN GARCIA, City Clerk

CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby
certify the foregoing to be a true and exact copy of Resolution No. 2894 duly passed and
adopted by the City Council of said City on the date and by the vote therein recited.

SUSAN GARCIA, City Clerk